

THE TOMBSTONE EPITAPH

Published every Saturday evening, gives all the news of the week, county, state and general, and more especially events and happenings of interest to the people of Tombstone and Cochise county. Yearly subscriptions \$2.50.

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TOMBSTONE, COCHISE COUNTY, ARIZONA, SUNDAY, DECEMBER 5, 1915

NO. 5

ARIZONA CATTLE GROWERS ASSOCIATION MEETS IN FLAGSTAFF

Preparations Being Made for Tenth Annual Convention In the Northern City

PRESIDENT HEARD WILL SPEAK

"Proposed National Legislation on Control of Public Grazing Lands"

PHOENIX, Dec. 3.—Preparations are being made for the holding of the tenth annual convention of the Arizona Cattle Growers' Association which is to be held in the city of Prescott on January 10, 11 and 12, 1916, and a number of interesting and profitable speeches and discussions have already been arranged for the program.

Mr. Dwight B. Heard, president of the association, has notified Secretary Bradner of the Live Stock Sanitary Board, that he will deliver an address on the subject of "The Proposed National Legislation on the Control of Public Grazing Lands."

This subject has been of particular interest to the cattle raisers of this and adjoining states. For some time it has been the desire of the cattle interests to have congress pass a measure which would permit the government lands being leased for grazing purposes, thereby giving the lessee the privilege of fencing and the development of water rights on the land.

In the opinion of a number of the leading cattlemen, the passage of such a law is very probable and its enactment would mean much to the local stock men.

TOMBSTONE TOWN TOPICS TERSELY TOLD

From Willcox

Attorney Lyman H. Hays, of Willcox, was among the visitors in the county seat today on matters before the superior court, having motored over last evening.

Returned Home

Mrs. W. F. Tyndall, has returned home from an extended three months visit to California coast during which time she visited with relatives, and attended the Exposition at San Diego and San Francisco.

In from Huachuca

Mr. and Mrs. A. E. Davis are in for a day or two from their mountain home in the Huachuca. Mr. Davis states that the county road built by the Board of Supervisors and County Engineer Ryan from Hereford to Don Luis with a little rain and dragging will be the best natural dirt road he has ever seen. He speaks highly of the elimination of the culvert "rise" and the substitution of the long dip, which has proven a fine water-way in Pima county and makes travel better than the old "hump" system of installing waterways.

Everybody Invited

Dr. Lee R. Scarborough will preach at the Congregational church Sunday

COCHISE PERSONAL USE CASE GOES TO SUPREME COURT

Effort Will Be Made by Local Attorneys to Have Case Advanced

WILL DETERMINE QUESTION

Matter Will Be Put Before Higher Court in All Its Phases

The appeal case of the State against William Stansbury has been filed in the Supreme Court of Arizona, and an effort will be made to have the case advanced on the calendar so that the question of the right of a person to introduce liquor into the state for his own use can be determined. Messrs. Kingsbury and Pickett for the defendant have prepared a thorough brief in the case and the matter will be put before the court in all its phases, and it is thought that the case will finally determine the question of personal privilege that has been so much discussed since the prohibition law went into effect. A request has been sent to the Attorney-General's office that they give their attention to the matter at once, and have the court take the case up as soon as possible. The Stansbury case was tried here before a jury and the defendant admitted he brought the four bottles of whisky in, but that it was for his own use. He was found guilty and sentenced to serve a term of ten days in jail and to pay a fine of \$25. Pending the appeal he was released on bond.

evening and all are invited to hear him.

Case Postponed

Attorney O. Gibson has returned from Tucson, where he went on legal business. He states that owing to a rush of business in the United States court at Tucson, the case of Olson vs. William Cowan, in which he was Mr. Cowan's attorney, was crowded over and continued until next Tuesday. There are some 25 witnesses from Cochise county summoned to testify in the case.

From Fairbanks

H. T. Fisher and wife, of Fairbank, were visitors in the city today on a shopping tour.

Surprised by Friends

Miss Daphne Bratley, daughter of Mr. and Mrs. Geo. Macie, was surprised, at the home of her parents last evening, by a large number of young friends, and the evening spent in games, music and song. Refreshments were served about 10:30, which all enjoyed, and departing for home about midnight pronounced the evening most enjoyably spent.

Catholic Church

First mass at 8 a. m. Second mass at 9:20 a. m. Immediately after second mass will be Sunday School for the English speaking children by Mrs. Cavanaugh, Supt., and for the Spanish speaking children at 4 p. m. At 7 p. m. Rosary in English, novena in honor of the Blessed Virgin of Guadalupe and Benediction of the Blessed Sacrament. Next Wednesday, feast of the Immaculate Conception, the mass will be at 8 a. m.

REV. JOS. M. AYMEI, C. M. F.

MILITIAMEN HAVE AERO FOR FIRST TIME.

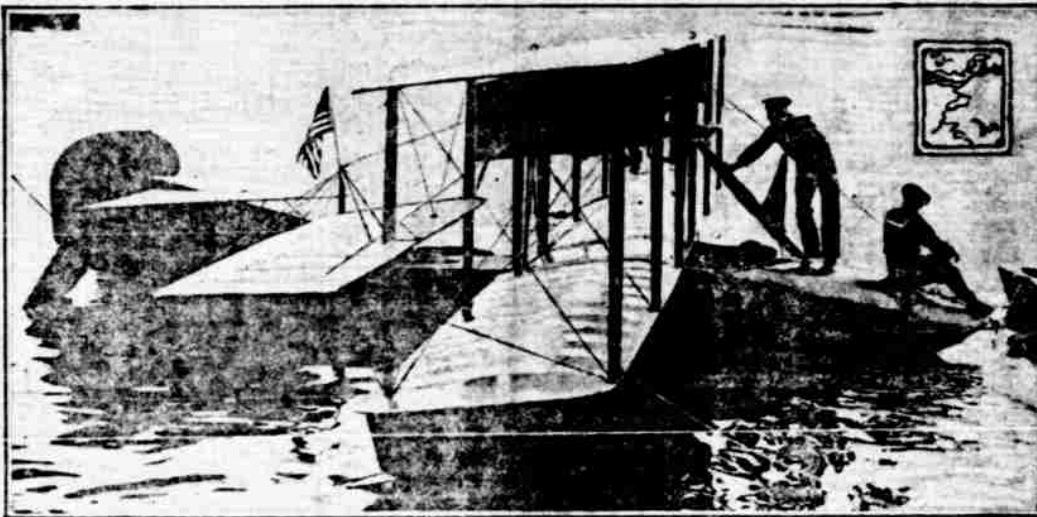


Photo by American Press Association
Hydroaeroplane just presented to navy at militia of New York for practice work.

EASTERN STARS INITIATE AND SPEND ENJOYABLE EVENING

The order of Eastern Star met last night in their hall in special session and initiated three candidates. The occasion was made a gala event as the attendance indicated, there being about fifty present.

After the initiation a repast was served, followed by a number of vocal and instrumental selections by Mrs. Nellie Dalgleish, Mrs. Gloria Woolery, R. B. Vallance and Prof. Tilford. The Order of the Eastern Star has been presided over during the present year by Mrs. Lillian Hight, as Worthy Matron, and during her time now nearing its end, the membership has increased by nearly twenty members, which is a remarkable fine showing. Improvements in the building by the new owners will add to the field for the Star to increase its worth in the social as well as fraternal field.

JUROR CREATES AMUSING INCIDENT DURING EXAMINATION

An amusing incident occurred Friday in the court room during the examination of jurors for the Scarborough case, when one of the veniremen was asked by counsel whether or not he would recommend the death penalty if the evidence and law pointed to that decision. "I don't believe it would be of much use, under the present administration," answered the spokesman, with all seriousness, which brought out a laugh from the entire courtroom. Judge Lockwood then asked the juror if, not considering the present administration, he would favor infliction of the death penalty if the evidence so called, to which the latter replied that he would, and was passed as a juror.

Cochise Taxpayers

Clerk A. C. Karger, of the board of supervisors, has just had completed by his efficient office force, a complete copy of the list of taxpayers of Cochise county. The list totals something over 9,000 names, nearing the 10,000 mark, and shows the name of the taxpayers, residence and taxes paid, and will be used in checking petitions for the road bond issue, and for other purposes that arise in administration of county business.

When it is considered that Cochise county is the largest in the state of Arizona, and has the largest number of taxpayers, the enormity of work required to get it out can be comprehended. The report covers approximately 150 single spaced typewritten pages, and has been bound together for reference.

LOOKING BACKWARD 24 YEARS IN TOMBSTONE

Interesting Items that Appeared in the "Prospector," this Date, 1891; Reminiscent of the Pioneer Days

A hard character escaped from the Tucson jail last Monday. He was held by the U. S. as a defaulting witness, also by the county for larceny. An order came to release him, from the U. S. court, and the deputy sheriff to whom the order was given, opened the door and turned him loose, not knowing that there was a charge against him by the county. All efforts to apprehend him have proved unavailing.

No clue to the murder of Daniels has been found. All reports to the effect that Fay did the killing are without foundation. Fay went to work with Cal Glen previous to the killing and was there all the time, at the company's upper range. The troops have not returned from the pursuit of the Indians who did the killing. There is no doubt of the work having been done by Apaches.

E. B. Gage, superintendent of the Grand Central Mining Co. will be present at the Southwest Silver Convention. It is such assurances as this from every portion of Arizona and New Mexico, that encourages the executive committee of the Southwest Silver convention to redouble its efforts.

BISBEE MINE FIRE IS UNDER CONTROL TODAY

Reports from Bisbee are that the fire which has been burning in the old workings of the Lowell shaft, had been gained under control. Yesterday and today a large number of the miners were overcome by the gases, and were brought to the surface, but quickly recovered. It is believed no more trouble will be experienced from the fire, other than usual. The fires in the Bisbee mines, as perhaps is known, are burning continually, but do not give trouble to the miners except when gaining such headway as in the Lowell the last few days.

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STORY IS WRITTEN ON EARLY DAY APACHE IN ARIZONA

A little brochure from the pen of Dr. M. P. Freeman, entitled "The Dread Apache, That Early Day Scourge of the Southwest," has just been issued. While consisting of only twelve printed pages, covering a period from 1883 to the time the Apaches were removed as a menace to citizens of the territory.

From the early settlement of Arizona the number of murders and massacres committed by the tribe is estimated at two thousand or more, and a number of the more prominent ones committed during the period named are given. Old residents of Arizona will appreciate the little book, from the refreshing memories of former days which it will bring to them, while the later comer will be interested in its perusal from the thrilling information which it gives and the suggestions of the troubles which the early pioneers of the state experienced in its development.

Some of the raids made by the murderous Geronimo are described, and the later trail of blood which the "Apache Kid" left behind him on his marauding trips over the then territory are also portrayed.

He pays a glowing tribute to many of the old pioneers for the fearless courage shown by them in the most trying of times, and of the sacrifices which were made by many of them, even to the losing of their lives. Two of the most noted instances of fearlessness and courage are those of two eleven-year old boys, one of whom, after his father had been mortally wounded by the Indians, was sent by him to warn his mother and two sisters of their danger.

The other, the son of the man at whose house the wounded man was being cared for, was sent a distance of eight miles in the darkness of night to a settlement, asking for help. Each was successful in his respective mission the first one reaching his home, just in time to warn his mother and sisters and help them to escape to the mountains before the arrival of the Indians, who plundered their home, the other reaching his destination at 2 o'clock in the morning.

MAN KILLED IN BISBEE MINE; PICKED INTO MISSED HOLE

Telephonic advices received from Bisbee this afternoon were to the effect that this morning a man named A. H. Arnold was killed in the Higgins Shaft

FALTIN IS RESENTED; VILLALLOBO TO HANG SAYS HUNT

Faltin Will Hang on January 10th; Insanity Hearing at Florence

GOV. HUNT ISSUES STATEMENT

Villalobo Will Positively Hang on Date Set for Execution

PHOENIX, Dec. 4.—Wm. Faltin, who was saved from hanging a week ago today by an eleventh hour insanity proceeding engineered by warden Sims of the state prison, was today re-sentenced to die on January 10 by Judge Stanford in the Maricopa county superior court. This is the third time Faltin has been sentenced to die. As it is getting to be a habit with him he showed no emotion and gave no evidence of insanity.

The sheriff was directed to remove Faltin to Florence within ten days.

The insanity proceedings is set for hearing before Judge O. J. Baughn in the superior court of Pinal county on December 10, the day on which Villalobos is sentenced to be hung.

There has been no decision by the supreme court in the contempt case against Warden Sims.

PHOENIX, Dec. 4.—"The execution scheduled to occur at the penitentiary at Florence on December 10 will positively be carried out, and no further interference is going to take place in connection with these hangings."

Governor George W. P. Hunt yesterday afternoon in the above words settled all fears which might have been entertained by the champions of capital punishment that some further attempts might be made to delay the execution set for one week from today. Following the postponement of the hanging of William Faltin, it was understood that Warden Robert Sims, an appointee of Governor Hunt, might, in order to delay the hanging which has been set for Friday, adopt a course similar to the one which he used one week ago today, and refuse to execute the condemned men on the grounds that they were of unsound mind.

When questioned as to whether any influence would be brought to bear on Warden Sims to again delay the hanging of Villalobos next Friday, Governor Hunt replied:

"You can say for me that no further legal obstacles are going to be placed in the way of the proposed execution and the condemned man is positively going to hang on Friday. While there has been a long fight by those of our citizens who do not believe in capital punishment, we feel at the present time that the last card has been played, and consequently all efforts to save the condemned men have about ceased altogether, and we are through. The element which has been clamoring for blood on the moon are about to have their way, and Friday next will see the fulfillment of their hopes, and a human life will be snuffed out in accordance with their wishes."

by picking into a "missed hole," and died instantly. Little was learned of him, and it was believed he was a single man.

AARON GETS SENTENCE OF ONE YEAR HARD LABOR AND \$100

Sentence Pronounced Today; Defendant Asked Verdict Set Aside

COURT REFUSED TO CONSIDER

Aaron Claims That Brown Made False Statements To Clear Himself

This afternoon in the superior court, Judge Lockwood pronounced sentence on Bert Aaron, the Douglas councilman, whom a jury, Thursday, found guilty of introducing intoxicating liquors into the state of Arizona. The defendant received a sentence of one year at hard labor and a fine of \$100.

When asked by the court if he had anything to say before sentence was pronounced, Aaron stated that he had been told by a man now in the county jail, that he could prove that Brown, the man who was caught with Aaron bringing in the liquor, had told him that he had made false statements in order to clear himself, and asked the court for privilege to prove this. Assistant County Attorney Bruce Stephenson, interrupted, however, stating that Brown had not testified until long after he had pleaded guilty and sentence had been pronounced upon him, which he is and was serving at the time of the Aaron trial. Judge Lockwood denied the request of Aaron and proceeded with the sentence.

The court, in pronouncing sentence, stated that he was satisfied that the jury had not returned their verdict on the statements of Brown, but on the knowledge that Aaron knew what he had in the car, when he was arrested, and inasmuch as this was the defendant's defense, he believed Aaron must have willfully blinded himself to not know what the car contained, and inasmuch as he was one of the sworn officials of the City of Douglas, and was bound to uphold the peace and dignity of the law, but on the contrary had broken it by committing the act willfully, he believed the defendant was deserving of sentence.

There were a large number of spectators present to hear the sentence, as this was a very closely watched case, owing to the official position of Aaron, and the circumstances surrounding the case.

The attorney for the defense immediately applied for a certificate of probable cause for the arrest of sentence which was denied, and notice of appeal was filed. Aaron was remanded back to jail.

The entire morning was occupied in the examination of jurors for the case of the State vs. Scarborough, and the required number of jurors was secured before the noon hour, and the veniremen instructed to appear in court at 3:30, when the twelve men who will sit on the case will be selected by the attorneys.

Several other small matters were before the court this afternoon, including divorce cases and probate matters, which were disposed of.

The Scarborough case will begin Monday, there being a large number of witnesses to be heard on both sides, and it is expected to occupy the whole of next week, and will be a hard fought legal battle.